

Summary of Recommendations for Robocall Legislation (2023 Session)

Overview

As directed by section 58 of Act 183, the Vermont Attorney General's Office (AGO) delivered its findings and recommendations for legislative action on robocalls in Vermont. The report outlines Federal Laws which have been implemented to prevent robocalls which include the Telephone Consumer Protection Act (TCPA), and the Telemarketing and Consumer Fraud and Abuse Prevention Act (TCFAPA). The report then outlines judicial actions involving these Federal Laws which include the cases of *Barr v. American Assn. of Political Consultants Inc.* and *Facebook, Inc. v. Duguid* as well as the implications of these decisions. While *Barr* is beneficial to consumers in that it maintained the illegality of political robocalls and invalidated federal debt collector exemptions, *Duguid* has the potential of increasing unwanted robocalls due to the Supreme Court's definition of automatic telephone dialing systems (ADTS).

AGO Robocall Actions

Several steps have been taken to limit robocalls in Vermont which include the creation of a Robocall Enforcement Team to identify companies responsible for bringing calls to the state, and the joining of a nationwide Anti-Robocall Litigation Taskforce which investigates and pursues legal action against foreign telecommunication companies that bring calls into the U.S. In addition, the AGO has undertaken action against two U.S.-based telecommunication companies who were relaying robocalls from overseas by relying on the legal theories that these companies violated both the TCFAPA and the TCPA.

Recommendations

The report identifies that section 2464e is not consistent with the TCFAPA in prohibiting U.S. companies from assisting robocallers. The AGO recommends that Vermont Law be amended to prohibit U.S. companies from providing illegal robocallers with "substantial assistance". The report suggests that this amendment include a requirement for telemarketers to begin calls by identifying the seller whom they are calling on behalf of and a telephone number that excepts incoming calls by that seller. Additionally, in order to mitigate the fallout of the *Duguid case*, the AGO recommends that Vermont strengthen its mini TCPA and more broadly define its ATDS similar to Florida's Telephone Solicitation Act.

Report of Reference

Vermont Office of the Attorney General. "Recommendations for Robocall Legislation, 2023 legislative session," Vermont Office of the Attorney General (2023), <https://legislature.vermont.gov/Documents/2024/WorkGroups/House%20Commerce/Reports%20and%20Resources/W~Office%20of%20the%20Attorney%20General~Recommendations%20for%20Robocall%20Legislation,%202023%20Legislative%20Session~1-15-2023.pdf>